

SERVICE

RULE 16 SERVICE OF DOCUMENTS

General Rules for Manner of Service

Originating Process

16.01 (1) An originating process shall be served personally as provided in [rule 16.02](#) or by an alternative to personal service as provided in [rule 16.03](#). R.R.O. 1990, Reg. 194, [r. 16.01 \(1\)](#); O. Reg. 131/04, s. 8.

(2) A party who has not been served with the originating process but delivers a defence, notice of intent to defend or notice of appearance shall be deemed to have been served with the originating process as of the date of delivery. O. Reg. 113/01, s. 2.

All Other Documents

(3) No other document need be served personally, or by an alternative to personal service, unless these rules or an order require personal service or an alternative to personal service. R.R.O. 1990, Reg. 194, [r. 16.01 \(3\)](#).

(4) Any document that is not required to be served personally or by an alternative to personal service,

(a) shall be served on a party who has a lawyer of record by serving the lawyer, and service may be made in a manner provided in [rule 16.05](#);

(b) may be served on a party acting in person or on a person who is not a party,

(i) by mailing a copy of the document to the last address for service provided by the party or other person or, if no such address has been provided, to the party's or person's last known address,

(ii) by personal service or by an alternative to personal service,

(iii) by use of an electronic document exchange of which the party or person is a member or subscriber, but, where service is made under this subclause between 4 p.m. and midnight, it is deemed to have been made on the following day, or

(iv) by e-mailing a copy to the last e-mail address for service provided by the party or other person or, if no such e-mail address has been provided, to the party's or person's last known e-mail address in accordance with [subrule 16.06.1 \(1\)](#), but, where service is made under this subclause between 4 p.m. and midnight, it is deemed to have been made on the following day. R.R.O. 1990, Reg. 194, [r. 16.01 \(4\)](#); O. Reg. 260/05, s. 3; O. Reg. 575/07, s. 15; O. Reg. 170/14, s. 3; O. Reg. 689/20, s. 14; O. Reg. 248/21, s. 3.

Personal Service

16.02 (1) Where a document is to be served personally, the service shall be made,

Individual

(a) on an individual, other than a person under disability, by leaving a copy of the document with the individual;

Municipality

(b) on a municipal corporation, by leaving a copy of the document with the chair, mayor, warden or reeve of the municipality, with the clerk or deputy clerk of the municipality or with a lawyer for the municipality;

Corporation

(c) on any other corporation, by leaving a copy of the document with an officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business;

Board or Commission

(d) on a board or commission, by leaving a copy of the document with a member or officer of the board or commission;

Person outside Ontario Carrying on Business in Ontario

(e) on a person outside Ontario who carries on business in Ontario, by leaving a copy of the document with anyone carrying on business in Ontario for the person;

Crown in Right of Canada

(f) on Her Majesty the Queen in right of Canada, in accordance with [subsection 23 \(2\)](#) of the [Crown Liability and Proceedings Act \(Canada\)](#);

Crown in Right of Ontario

(g) on Her Majesty the Queen in right of Ontario, in accordance with [section 15](#) of the [Crown Liability and Proceedings Act, 2019](#);

Attorney General

(h) on the Attorney General of Ontario, by leaving a copy of the document with an employee of the Crown at the Crown Law Office (Civil Law) of the Ministry of the Attorney General;

Absentee

(i) on an absentee, by leaving a copy of the document with the absentee's litigation guardian, if there is one or, if not, with the Public Guardian and Trustee;

Minor

(j) on a minor, by leaving a copy of the document with the litigation guardian if one has been appointed or, if not, with the minor and, where the minor resides with a parent or other person having the care or lawful custody of the minor, by leaving another copy of the document with the parent or other person, but, where the proceeding is in respect of the minor's interest in an estate or trust, the minor shall be served by leaving with the Children's Lawyer a copy of the document bearing the name and address of the minor;

Mentally Incapable Person

(k) on a mentally incapable person,

(i) if there is a guardian or an attorney acting under a validated power of attorney for personal care with authority to act in the proceeding, by leaving a copy of the document with the guardian or attorney,

(ii) if there is no guardian or attorney acting under a validated power of attorney for personal care with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, by leaving a copy of the document with the attorney and leaving an additional copy with the person,

(iii) if there is neither a guardian nor an attorney with authority to act in the proceeding, by leaving a copy of the document bearing the person's name and address with the Public Guardian and Trustee and leaving an additional copy with the person;

(l) Revoked: O. Reg. 69/95, s. 6 (2).

Partnership

(m) on a partnership, by leaving a copy of the document with any one or more of the partners or with a person at the principal place of business of the partnership who appears to be in control or management of the place of business; and

Sole Proprietorship

(n) on a sole proprietorship, by leaving a copy of the document with the sole proprietor or with a person at the principal place of business of the sole proprietorship who appears to be in control or management of the place of business. R.R.O. 1990, Reg. 194, [r. 16.02 \(1\)](#); O. Reg. 465/93, s. 3; O. Reg. 69/95, ss. 6, 19, 20; O. Reg. 536/96, s. 2; O. Reg. 575/07, ss. 1, 16; O. Reg. 316/20, s. 1; O. Reg. 107/21, s. 1; O. Reg. 248/21, s. 15.

(2) A person effecting personal service of a document need not produce the original document or have it in his or her possession. R.R.O. 1990, Reg. 194, [r. 16.02 \(2\)](#).

Alternatives to Personal Service

Where Available

16.03 (1) Where these rules or an order of the court permit service by an alternative to personal service, service shall be made in accordance with this rule. R.R.O. 1990, Reg. 194, [r. 16.03 \(1\)](#).

Acceptance of Service by Lawyer

(2) Service on a party who has a lawyer may be made by leaving a copy of the document with the lawyer or an employee in the lawyer's office, but service under this subrule is effective only if the lawyer endorses on the document or a copy of it an acceptance of service and the date of the acceptance. O. Reg. 575/07, s. 17.

(3) By accepting service the lawyer shall be deemed to represent to the court that the lawyer has the authority of his or her client to accept service. R.R.O. 1990, Reg. 194, [r. 16.03 \(3\)](#); O. Reg. 575/07, s. 1.

Service by Mail to Last Known Address

(4) Service of a document may be made by sending a copy of the document together with an acknowledgment of receipt card (Form 16A) by mail to the last known address of the person to be served, but service by mail under this subrule is only effective as of the date the sender receives the card. O. Reg. 24/00, s. 3.

Service at Place of Residence

(5) Where an attempt is made to effect personal service at a person's place of residence and for any reason personal service cannot be effected, the document may be served by,

(a) leaving a copy, in a sealed envelope addressed to the person, at the place of residence with anyone who appears to be an adult member of the same household; and

(b) on the same day or the following day mailing another copy of the document to the person at the place of residence,

and service in this manner is effective on the fifth day after the document is mailed. R.R.O. 1990, Reg. 194, [r. 16.03 \(5\)](#).

Service on a Corporation

(6) Where the head office, registered office or principal place of business of a corporation or, in the case of an extra-provincial corporation, the attorney for service in Ontario cannot be found at

the last address recorded with the Ministry of Government and Consumer Services, service may be made on the corporation by mailing a copy of the document to the corporation or to the attorney for service in Ontario, as the case may be, at that address. R.R.O. 1990, Reg. 194, [r. 16.03 \(6\)](#); O. Reg. 170/14, s. 4.

Crown in Right of Ontario, Attorney General

(7) Service of a document on the Crown in right of Ontario or on the Attorney General of Ontario may be made by e-mailing a copy of the document in accordance with [subrule 16.06.1 \(1\)](#) to the e-mail address for service specified for the Crown or the Attorney General, as the case may be, on the website of the Ministry of the Attorney General. O. Reg. 107/21, s. 2.

Children's Lawyer

(8) Service of a document on the Children's Lawyer, and any service of a document that involves leaving a copy with the Children's Lawyer, may be made with respect to the Children's Lawyer by e-mailing a copy of the document in accordance with [subrule 16.06.1 \(1\)](#) to the e-mail address for service specified for the Children's Lawyer on the website of the Ministry of the Attorney General. O. Reg. 107/21, s. 2.

Public Guardian and Trustee

(9) Service of a document on the Public Guardian and Trustee, and any service of a document that involves leaving a copy with the Public Guardian and Trustee, may be made with respect to the Public Guardian and Trustee by e-mailing a copy of the document in accordance with [subrule 16.06.1 \(1\)](#) to the e-mail address for service specified for the Public Guardian and Trustee on the website of the Ministry of the Attorney General. O. Reg. 107/21, s. 2.

Deemed Service, E-mail

(10) Where service is made by e-mail under subrule (7), (8) or (9) between 4 p.m. and midnight, it is deemed to have been made on the following day. O. Reg. 107/21, s. 2.

Substituted Service or Dispensing with Service

Where Order May be Made

16.04 (1) Where it appears to the court that it is impractical for any reason to effect prompt service of an originating process or any other document required to be served personally or by an alternative to personal service under these rules, the court may make an order for substituted service or, where necessary in the interest of justice, may dispense with service. R.R.O. 1990, Reg. 194, [r. 16.04 \(1\)](#).